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EXAMINER

MEINECKE DIAZ, SUSANNA M

ART UNIT	PAPER NUMBER
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3623

DATE MAILED: 07/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/929,374

Applicant(s)

WAINGOLD, ELLIOT

Examiner

Susanna M. Diaz

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 8-14 and 16-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-14 and 16-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This final Office action is responsive to Applicant's amendment filed April 12, 2006.

Claims 7 and 15 have been cancelled.

Claims 25-28 have been added.

Claims 1-6, 8-14, and 16-28 are pending.

Response to Arguments

2. Applicant's arguments filed April 12, 2006 have been fully considered but they are not persuasive.

Applicant argues the following:

Applicant respectfully submits that although computing a subject-specific relationship from communications may help correlate communications for the derived relation group, a subject-specific relationship is NOT a reliable indication of expertise and, thus, would not necessarily be used to assign implied expertise as asserted by the Examiner...

Thus, although there is the possibility that subject line text may indicate the recipient's expertise, Applicant respectfully submits that such possibility is not sufficient for purposes of 35 U.S.C. § 102 to anticipate the Claimed invention... (Pages 10-11 of Applicant's response)

Applicant's claims do not specify how expertise is determined. Without a standard for assessing expertise among a body of people, a determination of expertise is relative. Brezin's analyzed relationships among people in an organization are based on a subject-specific relationship (as admitted by Applicant). If person A has a relatively

long history of contacting person B regarding the subject of project management while person A never contacts person C regarding project management, in relation to person A, person B is effectively more of an expert in project management (as relating to communications with person A) than person C. Even Applicant's own invention does not guarantee that users identified as experts have achieved a formal status of expertise in a standardized forum. Furthermore, Brezin's derived relation group is subject-specific (§ 76); therefore, Brezin's system does establish a relationship between a first member of an organization, at least one intervening member, and at one target individual.

Also, Examiner notes that, as per MPEP § 2144.03(C), the statements of Official Notice made in the art rejection have been established as admitted prior art since Applicant has not traversed the Examiner's assertions of Official Notice. More specifically, the following statements of Official Notice are now formally established on record as admitted prior art:

Official Notice is taken that it is old and well-known in the art of communications that instant message services are commonly used to transmit messages among friends and colleagues.

Official Notice is taken that it is old and well-known in the art of graphing to use bullseye-type graphs to represent distance relations among graphed data.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-4, 6, 8-12, 14, 17, 19-22, 24, and 26-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Brezin et al. (US 2002/0178161).

Brezin discloses a method for selecting a contact path between a first member of an organization and a target individual, the method comprising:

[Claim 1] storing one or more areas of expertise for plural members of the organization (¶¶ 76-81 – Associating a subject with a user is indicative of assigning an implied expertise, e.g., based on the subject, to each user; ¶¶ 83-84, 88-90 – Since relevant documents may be downloaded and queries may be performed to identify users of interest, e.g., in relation to a particular subject, it is understood that the one or more areas of expertise for plural members of the organization are stored);

tracking network communications of the members of the organization (abstract);

analyzing the level of interaction between the members of the organization to develop a people network (Figs. 7A, 7B; ¶¶ 32-73);

identifying an area of expertise desired by the first member of the organization (¶¶ 76-81 – Associating a subject with a user is indicative of assigning an implied

expertise, e.g., based on the subject, to each user; ¶¶ 83-84, 88-90 – Since relevant documents may be downloaded and queries may be performed to identify users of interest, e.g., in relation to a particular subject, it is understood that the one or more areas of expertise for plural members of the organization are stored. ¶ 88 specifically states, “A sub-query could also be added to request the availability of other users in user U’s derived relation group”);

selecting a contact path between a first member of the organization and the target individual, the contact path including one or more members of the organization having at least a predetermined level of interaction with the first member and the target individual (Figs. 7A, 7B; ¶¶ 32-73) and the contact path identifies one or more members of the organization that represent a proposed path through the people network for the selected member to contact a member of the organization having the desired expertise indicated in the memory (¶¶ 76-81 – Associating a subject with a user is indicative of assigning an implied expertise, e.g., based on the subject, to each user; ¶¶ 83-84, 88-90 – Since relevant documents may be downloaded and queries may be performed to identify users of interest, e.g., in relation to a particular subject, it is understood that the one or more areas of expertise for plural members of the organization are stored; ¶ 88 specifically states, “A sub-query could also be added to request the availability of other users in user U’s derived relation group”);

[Claim 2] modeling the people network of the organization as a directed graph having plural nodes representing members of the organization and the plural edges

representing levels of interaction between members of the organization (Figs. 7A, 7B; ¶¶ 32-73);

wherein analyzing the level of interaction comprises analyzing the edges associated with the first member and the target individual (Figs. 7A, 7B; ¶¶ 32-73);

[Claim 3] wherein each edge comprises one or more weights, each weight representing a level of interaction for one type of network communication (Figs. 7A, 7B; ¶¶ 32-73);

[Claim 4] wherein one weight represents the level of interaction for e-mail communication (¶¶ 33-37, 61-63);

[Claim 6] wherein one weight represents the level of interaction for telephone communication (¶¶ 33-37, 58-60);

[Claim 8] wherein selecting a contact path further comprises selecting plural contact paths, each contact path representing a proposed path through the people network for the selected member to contact a member of the organization having the desired expertise (¶¶ 76-81 – Associating a subject with a user is indicative of assigning an implied expertise, e.g., based on the subject, to each user; ¶¶ 83-84, 88-90 – Since relevant documents may be downloaded and queries may be performed to identify users of interest, e.g., in relation to a particular subject, it is understood that the one or more areas of expertise for plural members of the organization are stored; ¶ 88 specifically states, “A sub-query could also be added to request the availability of other users in user U’s derived relation group”);

[Claim 9] graphically depicting the plural contact paths as nodes representing members of the organization and edges representing the level of interaction between the members, each node and edge having an appearance that corresponds to the strength of the contact path (Figs. 7A, 7B);

[Claim 26] wherein selecting a contact path between the first member of the organization and the target individual comprises:

selecting a contact path between the first member of the organization and the target individual, wherein the contact path includes at least one intervening member of the organization between the first member and the target individual (§ 88 specifically states, “A sub-query could also be added to request the availability of other users in user U’s derived relation group,” which means that not only can user U be contacted by the first member, but also other users in user U’s derived relation group, thereby making user U an intervening member and one of the other users in user U’s derived relation group a target individual).

Brezin discloses a system for determining a people network representation of an organization, the system comprising:

[Claim 10] a memory to store one or more areas of expertise for plural members of the organization (§§ 76-81 – Associating a subject with a user is indicative of assigning an implied expertise, e.g., based on the subject, to each user; §§ 83-84, 88-90 – Since relevant documents may be downloaded and queries may be performed to identify

users of interest, e.g., in relation to a particular subject, it is understood that the one or more areas of expertise for plural members of the organization are stored);

a communications network operable to exchange communications between plural members of the organization (Figs. 7A, 7B; ¶¶ 32-73);

a people network model module interfaced with the communications network and interfaced with the memory and operable to model communications of the communications network (Figs. 7A, 7B; ¶¶ 32-73);

an interaction level analyzer module interfaced with the people network model module and operable to apply a model of the communications to the level of interaction of the plural members to determine a people network representation (Figs. 7A, 7B; ¶¶ 32-73);

a target locator module interfaced with the people network model and the interaction level analyzer modules, the target locator module operable to accept a query from a first member for members of the organization having a desired expertise and to provide the first member with one or more target individuals based on the desired expertise and the level of interaction of the first member with members of the organization (¶¶ 76-81 – Associating a subject with a user is indicative of assigning an implied expertise, e.g., based on the subject, to each user; ¶¶ 83-84, 88-90 – Since relevant documents may be downloaded and queries may be performed to identify users of interest, e.g., in relation to a particular subject, it is understood that the one or more areas of expertise for plural members of the organization are stored; ¶ 88

specifically states, “A sub-query could also be added to request the availability of other users in user U's derived relation group”);

[Claim 11] a graphical user interface operable to depict a visualization of the people network of a selected member of the organization (Figs. 7A, 7B);

[Claim 12] wherein the graphical user interface depicts a selected member's people network representation as plural nodes interfaced with edges, the nodes representing members of the network and the lines representing the level of interaction between the members (Figs. 7A, 7B);

[Claim 14] wherein the people network model module is further operable to model the people network of the organization as a directed graph having plural nodes and edges, the nodes representing members of the organization and the edges representing the level of interaction between nodes (Figs. 7A, 7B);

[Claim 27] wherein the people network representation includes a contact path between the first member and the one or more target individuals and the contact path includes at least one intervening member of the organization between the first member and at least one of the one or more target individuals (§ 88 specifically states, “A sub-query could also be added to request the availability of other users in user U's derived relation group,” which means that not only can user U be contacted by the first member, but also other users in user U's derived relation group, thereby making user U an intervening member and one of the other users in user U's derived relation group a target individual).

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Brezin discloses a method of using a computer system for determining a target individual having expertise in a subject matter of interest to a first member of an organization, the method comprising executing code stored in the computer system for: [Claim 17] storing in a memory one or more areas of expertise for plural members of the organization (¶¶ 76-81 – Associating a subject with a user is indicative of assigning an implied expertise, e.g., based on the subject, to each user; ¶¶ 83-84, 88-90 – Since relevant documents may be downloaded and queries may be performed to identify users of interest, e.g., in relation to a particular subject, it is understood that the one or more areas of expertise for plural members of the organization are stored);

identifying from the memory members of the organization having expertise in the subject matter (¶¶ 76-81 – Associating a subject with a user is indicative of assigning an implied expertise, e.g., based on the subject, to each user; ¶¶ 83-84, 88-90 – Since relevant documents may be downloaded and queries may be performed to identify users of interest, e.g., in relation to a particular subject, it is understood that the one or more areas of expertise for plural members of the organization are stored);

selecting as target individuals only the identified members having at least a predetermined level of electronic communication interaction with the first member (¶¶ 65-73, 76-81, 83-84, 88-90); and

providing the first member with at least one contact path to each of the target individuals (¶¶ 76-81 – Associating a subject with a user is indicative of assigning an implied expertise, e.g., based on the subject, to each user; ¶¶ 83-84, 88-90 – Since relevant documents may be downloaded and queries may be performed to identify

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users of interest, e.g., in relation to a particular subject, it is understood that the one or more areas of expertise for plural members of the organization are stored; ¶ 88 specifically states, "A sub-query could also be added to request the availability of other users in user U's derived relation group");

[Claim 19] wherein providing the first member with contact paths comprises:

modeling a people network of the organization based on communications of members of the organization across a network (Figs. 7A, 7B; ¶¶ 32-73); and

determining the contact paths by analyzing the level of interaction between members of the organization (Figs. 7A, 7B; ¶¶ 32-73);

[Claim 20] wherein modeling a people network comprises representing the people network as a directed graph having a node for each member of the organization, the nodes interfaced by edges representing levels of interaction (Figs. 7A, 7B);

[Claim 21] wherein the communications network supports plural type of communication and wherein each edge has a set of weights, each type of communication having an associated weight (Figs. 7A, 7B; ¶¶ 32-73);

[Claim 22] wherein the communications comprise e-mail communications (¶¶ 33-37, 61-63);

[Claim 24] wherein the communications comprise phone communications ¶¶ 33-37, 58-60);

[Claim 26] wherein providing the first member with at least one contact path to each of the target individuals comprises:

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providing the first member with at least one contact path to each of the target individuals, wherein the contact path includes at least one intervening member of the organization between the first member and the target individual (§ 88 specifically states, "A sub-query could also be added to request the availability of other users in user U's derived relation group," which means that not only can user U be contacted by the first member, but also other users in user U's derived relation group, thereby making user U an intervening member and one of the other users in user U's derived relation group a target individual).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 5, 13, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brezin et al. (US 2002/0178161), as applied to claims 3, 11, and 19 above.

[Claims 5, 23] As per claims 5 and 23, Brezin discloses the tracking and weighting of interactions involving various forms of communication, including e-mail and phone (abstract), yet Brezin does not expressly teach that one weight may represent the level of interaction for instant messenger communication. However, Official Notice is taken that it is old and well-known in the art of communications that instant message services are commonly used to transmit messages among friends and colleagues. Since Brezin

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already envisions the tracking of various forms of communication to identify relationships among users, the Examiner submits that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify Brezin such that one weight may represent the level of interaction for instant messenger communication in order to gather a more comprehensive profile of communications among various users in order to glean a more accurate understanding of the relationships among these users.

[Claim 13] Regarding claim 13, Brezin discloses that a distance measurement is calculated to represent the organizational distance between various members of an organization (§ 51). Brezin does not expressly teach the depiction of the first member's people network representation as a bullseye having the first member at the center and members of the organization distributed in successive rings representing the level of interaction with the first member; however, Official Notice is taken that it is old and well-known in the art of graphing to use bullseye-type graphs to represent distance relations among graphed data. Since Brezin's invention analyzes distances among various members of an organization, the Examiner submits that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify Brezin such that the graphical user interface depicts the first member's people network representation as a bullseye having the first member at the center and members of the organization distributed in successive rings representing the level of interaction with the first member in order to facilitate quicker visual analysis of such distance

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measurements, which is a common benefit gleaned from graphs (i.e., the ability to perform quicker visual analysis of graphed data).

7. Claims 16, 18, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brezin et al. (US 2002/0178161), as applied to claims 15, 17, and 19 above, in view of Work (US 2002/0059201).

[Claims 16, 18, 25] Brezin does not expressly teach that target individuals are identified using a shortest path determination to prioritize target individuals in order of strongest contact path with the first member (claim 16), identified based on those having contact paths of less than a predetermined number of intervening members between the target individual and the first member (claim 18), or identified based on contact paths by performing a strongest path analysis using the people network model to prioritize target individuals (claim 25). Work, however, discloses an internet-based human network brokering system in which searching users can request that the broker find potential targets possessing desired profile criteria within a specific degree of trust (¶¶ 23, 25, 27, 29). By limiting the acceptable target individuals to a lower degree of trust, the broker is effectively selecting target individuals that have contact paths of less than a predetermined number of intervening members between the target individual and the first member. The target individuals that are only one degree removed from the searcher would have the shortest and strongest path between themselves and the searcher (as opposed to someone who is two or three degrees removed from the searcher). Work's invention provides the benefits of making "it relatively easy for users

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to get started with a pre-defined basic set of access groups and corresponding security settings, and also relatively easy for users to create more sophisticated access controls by creating new access groups defined by rules that related to profile elements and indicators or relationship that are entered by users.” (§ 20) Also, Work states that “being based on rule-created concepts that are defined by data users enter about themselves and about their relationships, i.e., profile and contact information, the present access groups require less administration, that is, less manual assignment of specific people to specific groups.” (§ 20) Since both Brezin and Work are directed toward facilitating the establishment and effective use of social networks, the Examiner submits that it would have been obvious to one of ordinary skill in the art at the time of Applicant’s invention to modify Brezin such that target individuals are identified using a shortest path determination to prioritize target individuals in order of strongest contact path with the first member (claim 16), identified based on those having contact paths of less than a predetermined number of intervening members between the target individual and the first member (claim 18), or identified based on contact paths by performing a strongest path analysis using the people network model to prioritize target individuals (claim 25), as taught by Work, in order to glean the benefits of making “it relatively easy for users to get started with a pre-defined basic set of access groups and corresponding security settings, and also relatively easy for users to create more sophisticated access controls by creating new access groups defined by rules that related to profile elements and indicators or relationship that are entered by users” (as suggested in § 20 of Work)

and "requir[ing] less administration, that is, less manual assignment of specific people to specific groups" (also suggested in ¶ 20 of Work).

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susanna M. Diaz whose telephone number is (571) 272-6733. The examiner can normally be reached on Monday-Friday, 10 am - 6 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Susanna M. Diaz
Primary Examiner
Art Unit 3623

July 9, 2006